

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ERIE COUNTY ENVIRONMENTAL COALITION, et. al., Plaintiffs</b>	)	
	)	
	)	
v.	)	
		<b>)CIVIL ACTION NO. 05-59 ERIE</b>
		<b>)ELECTRONICALLY FILED</b>
<b>MILLCREEK TOWNSHIP SEWER AUTHORITY, et. al., Defendants</b>	)	
	)	
	)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Erie County Environmental Coalition, PennEnvironment, and the Gaia Defense League (hereinafter collectively known as "Plaintiffs") request an opportunity to file a response to Defendants Millcreek Township and Millcreek Township Sewer Authority's ("Millcreek") Supplement to Defendants' Brief in Support of Summary Judgment and Statement of Facts. Dkt. Nos. 58 & 59.

1. On May 5, 2006, briefing concluded on cross-motions for summary judgment.
2. On February 8, 2007, Defendants filed a Motion to Supplement Defendants' Motion for Summary Judgment and Defendants' Response to Plaintiffs' Motion for Summary Judgment asserting that events since the conclusion of briefing have altered facts and legal arguments related to the disposition of this case.
3. On February 15, 2007, this Court granted Defendants' Motion to supplement and on February 16, 2007 Defendants filed a supplemental brief and statement of facts.

4. After reviewing Defendants' supplemental Statement of Facts and Brief, Plaintiffs request the opportunity to respond to these facts and legal arguments in order to inform the Court how Defendants' Supplemental Brief in Support of Summary Judgment and Statement of Facts impacts Plaintiffs' legal argument and factual assertions.
5. Specifically, Plaintiffs request to file a Supplemental Response in Opposition to Defendant Millcreek Township and Millcreek Township Sewer Authority's ("Millcreek") Motion for Summary Judgment to address the new facts and legal arguments raised in Defendants' February 16, 2007 filings.

Respectfully submitted,

s/ Jennifer A. Murphy  
Jennifer A. Murphy, Esquire  
PA90851  
Mid-Atlantic Environmental Law Center  
4601 Concord Pike, P.O. Box 7474  
Wilmington, DE 19803-0474  
(302) 477-2182  
(302) 477-2032 (fax)  
[jennifer.a.murphy@law.widener.edu](mailto:jennifer.a.murphy@law.widener.edu)  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing document and proposed order by electronic means utilizing the Court's CM/ECF system that will serve notice of electronic filing to Mark J. Shaw, Esq., McDonald, Illig, Jones & Britton, LLP, Attorney for Defendants on this 20th day of February, 2006.

/s/ Jennifer A. Murphy  
Jennifer A. Murphy  
PA90851  
Mid-Atlantic Environmental Law Center  
c/o Widener University School of Law  
4601 Concord Pike  
P.O. Box 7474  
Wilmington, DE 19803